



Exempt Action Final Regulation Agency Background Document

Approval authority name	Virginia Waste Management Board
Virginia Administrative Code (VAC) citation	9 VAC 20-80-10 et seq.
Regulation title	Virginia Solid Waste Management Regulations
Action title	Exclusion from Siting and Wetlands Provisions
Final agency action date	
Document preparation date	May 18, 2004

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Virginia Solid Waste Management Regulations (VSWMR, 9 VAC 20-80) include provisions for the management of a variety of wastes at a number of different treatment, storage and disposal units. The Virginia General Assembly provided new requirements in the Code of Virginia for siting a landfill in the vicinity of a water supply intake or reservoir and in a wetland during the legislative session of 2004. Section 250 of the VSWMR has been modified to recognize the new requirements of the Code, including the exemptions from the siting requirements and the procedures for processing future exemptions from the siting provisions.

Special Provisions Regarding Wetlands

9 VAC 20-80-250 A 4

This section generally prohibits construction of new sanitary landfills and lateral expansions in wetlands. The section has been modified to state that construction of municipal solid waste

(MSW) landfills in wetlands is allowed for some localities under the provisions of §10.1-1408.5 of the Code of Virginia. The section has also been modified to state that additional exemptions will be allowed only if the items required by §10.1-1408.5 E have been completed.

§10.1-1408.5 of the Code prohibits the issuance of a solid waste permit for a new or expanded MSW landfill that would be sited in a wetland. However, it allows such construction in any county with certain specific populations based on the United States Census, provided that the landfills comply with all other applicable federal and state environmental laws and regulations. The 2004 amendments added a category of counties to those that can construct such a facility if it is otherwise in compliance.

§10.5-1408.5 E of the Code was added in the 2004 legislative session. It states that an environmental impact report is required for any additional exemptions the special provisions regarding wetlands. A public hearing is also required. Recommendations must be prepared to submit to the General Assembly.

Landfill Siting Review

9 VAC 20-80-250 A 9

This section generally prohibits construction of new sanitary landfills within five miles upgradient of any existing surface or ground water public water supply intake or reservoir. This section recites that such construction is allowed for some localities under the provisions of §10.1-1408.4.B.3 of the Code of Virginia. The section has been modified to state that additional exemptions will be allowed only if the items required by §10.1-1408.4 C have been completed.

§10.1-1408.4.B.3 of the Code prohibits the construction of a new MSW landfill within five miles upgradient of any existing surface or groundwater public water supply intake or reservoir. However, it also allows specified counties to construct such a landfill if the Director determines that the shorter distance will not be detrimental to human health or the environment. The 2004 amendment adds Appomattox County to those counties that can construct such a landfill if the demonstration is approved.

§10.5-1408.4 C of the Code was added in the 2004 legislative session. It states that an environmental impact report is required for any additional exemptions from landfill siting provisions. A public hearing is also required. Recommendations must be prepared to submit to the General Assembly.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Virginia Waste Management Board adopted regulations entitled Virginia Solid Waste Management Regulations as final regulations on June 18, 2004.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no direct impact on the institution of the family and family stability.